ANNUAL REPORT

STUDENT OMBUDS OFFICE
UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period
1st February 2009 to the 31st January 2010

July 2010

TABLE OF CONTENTS

1. STAFF OF THE OFFICE 2
2. PREAMBLE 3
3. COMPLAINTS 3
4. COMMENTS ON COMPLAINTS 4
5. VISIBILITY 6
6. PERSONNEL 6
7. REVIEW OF THE UTS POLICY & PROCEDURES FOR THE ASSESSMENT OF COURSEWORK SUBJECTS 7
8. CASE STUDIES OF COMPLAINTS 8
9. QUALITY 9

TABLE 1 - SOURCE & NATURE OF COMPLAINTS 10
GRAPH 1 - NATURE OF COMPLAINTS 11
GRAPH 2 - SOURCE OF COMPLAINTS 12
GRAPH 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY 13
GRAPH 4 - LONG TERM AVERAGE INCIDENT RATE 14

ATTACHMENT 1

TERMS OF REFERENCE 15

1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2009 on a part-time basis:

Layna Groen - Student Ombud (completed term 10 January 2010)
Senior Lecturer
Faculty of Science
City Campus

Maxine Evers - Assistant Student Ombud and
Student Ombud from 11 January 2010
Lecturer
Faculty of Law
Markets Campus

Angela Dwyer - Assistant Student Ombud (completed term July 2009)
Senior Lecturer & Director of Students
Faculty of Law
Markets Campus

Bronwen Dalton - Assistant Student Ombud (completed term January 2009)
Senior Lecturer
Faculty of Business
Kuring-gai Campus

Sally Varnham - Assistant Student Ombud (began term July 2009)
Associate Professor
Faculty of Law
Markets Campus

Patricia Farrar - Assistant Student Ombud (began term July 2009)
Senior Lecturer
Faculty of Business
Kuring-gai Campus

Susie Eisenhuth - Assistant Student Ombud (began term January 2010)
Lecturer
Faculty Arts and Social Sciences
Broadway Campus

Jenny Murphy - Administration Manager
Student Ombuds Office
City Campus

2. PREAMBLE

The Student Ombuds Office operates within the Office of the Deputy Vice-Chancellor (Teaching, Learning and Equity) under the *Terms of Reference* approved by the University Council which can be found at the end of this Report.

The University, in accordance with its past practice, continues to provide the Student Ombuds Office with sufficient resources to continue its role effectively. During 2009 the Student Ombuds Office handled 14 complaints, a decrease of 8 in the number of complaints the previous year. The majority of complaints were able to be resolved through discussion with the persons involved.

The Student Ombuds Office has now been in operation at UTS for 21 years. During this period the Office has established itself as an integral part of the University grievance handling procedures. The value of the Office is that it is one of "last resort", that is, the Student Ombuds Office will only intervene in a complaint when all other avenues have been exhausted. It is inherent in the role of the Office that it does not exist to advocate for an individual student, rather it adds value to the University by providing a specialist complaint unit which aims to ensure that University processes are implemented fairly and improved where necessary. Thus the Student Ombuds Office contributes to the overall quality of student education.

3. COMPLAINTS

The complaints that led to a formal enquiry by the Office are set out in Table 1 of this Report. These complaints are further analysed in Graphs 1, 2, 3 and 4. Statistics in relation to the number of informal requests for assistance have also been included in this report. The Student Ombuds Office Terms of Reference only allows the Office to accept formal requests for assistance from students after all other levels of UTS grievance handling have been exhausted. Informal requests for assistance are approaches from students that have been resolved after the Office has assisted students with advice or appropriate referrals.

Table 1 shows the source and nature of the complaints by the Faculty that students are enrolled in. This Table shows the Faculty a student originates from. This means that a low volume of complaints for this Table may be made by a student from the Faculty yet the complaint itself may be with respect to a person or body external to that Faculty. For example, a student complaint might relate to their enrolment in a joint degree or their treatment by external administrative or other units of the University.

Graph 1 presents the same information as in Table 1, with its focus being the nature of complaints rather than their location. It provides this information in a different format to Table 1 and compares it with previous years.

Graph 2 sets out the complaints according to the Faculty of the complainant. This information is not broken down by school. When viewing these figures please note that because a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision directly concerning that

Faculty. Any analysis should therefore take into account the material in Table 1 where both the nature of the complaint and the Faculty are provided.

Graph 3 gives the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2009. Once again, note that the students of a particular Faculty may not be complaining about a matter or decision that has not arisen in their own Faculty.

Graph 4 demonstrates the decline or incline in the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2004/05 to 2009/10. This graph was included in the 2005 Annual Report after it was noted that since 2001/02 there had been a yearly decline in the number of formal requests for assistance to the Office. In 2008/09 there was an increase, however in 2009/10 the trend has declined.

This year comparative data in the graphs have been amended to include the merged Arts and Social Science Faculty and the Engineering and Information Technology Faculty.

Referrals of complaints are monitored so that the Office can better gauge visibility and accessibility for students who use the Office. When filling out the Request for Assistance form required when making a formal complaint, students are required to indicate how they heard about the Office.

The results of this survey for 2009 are illustrated in the following table. This information is being used by the Office to better target information resources towards the student community (also see Visibility below).

Business Card	0
Counsellors	2
Faculty	1
Lecturer	1
Other	2
Pamphlet	1
Referrals	1
Students Association	5
Student Centre	0
Web site	1

The source of referrals is similar to those in 2008. However there was an increase in the amount of referrals from the Students Association. This could be a result of the effect of VSU or staff changes within the Students Association. Complaint referrals demonstrate coverage of the University that is pleasing both in terms of the visibility and awareness of the Office across the University community.

4. COMMENTS ON COMPLAINTS

Overall number of requests for assistance: The number of formal requests for assistance recorded in 2009 was 14, 8 less than 2008. This is the least number of requests for assistance on record. However in 2007 Student Ombuds Office received the 16 requests for assistance and is in accordance with a general declining trend in the number of formal complaints since 2002.

In 2005, 2006 and 2007 there was a relatively even spread of complaints throughout the year. However in 2008 almost half of the 22 formal complaints were lodged in the February to April period.

In 2009 there was a relatively even spread of formal requests for assistance throughout the year. However in the December 2009 and January 2010 period the Office received a large number of informal requests for assistance from students who were unable to reach UTS staff.

The 2008 Student Ombud Annual report noted that a disturbing proportion of requests for assistance were received from students exhibiting signs of mental illness. Whilst this did not appear to be the case in 2009, Student Ombud staff attended a two day Mental Health Workshop organised through UTS Safety and Wellbeing in June.

Informal Complaints: Approaches from students that do not fall within our Terms of Reference because they were either not enrolled or registered students at UTS or the Office was not a last resort are confidentially recorded as informal requests for assistance. In 2009 there were 79 informal requests for assistance, an increase of 1 informal requests from the previous year.

In past years higher numbers of informal requests for assistance have been attributed to international students seeking help for fee related problems or advice. In 2009 there were 14 informal requests for assistance from international students, a decrease of 6 from 2007. Of these only 3 were related to fees. The majority of approaches to the Office were from prospective students seeking information about courses.

The remaining informal requests for assistance covered a wide range of complaint categories. These students were directed to Student Centres, other UTS grievance handling units or to the Students Association.

Co-operation with the Office: It is pleasing to note that the Office maintains a very high level of support for its work amongst University staff. This co-operation and willingness to assist in resolution of complaints means that the role of the Student Ombuds Office is carried out more effectively.

Formal Reports: Reports to the Deputy Vice-Chancellor are made on only a small number of occasions where a satisfactory conclusion in not reached and where

specific recommendations are required. During 2005-2010 period there has been no formal reports made to the Vice-Chancellor for consideration.

5. VISIBILITY

In 2009 the Student Ombuds Office produced promotional pens with the latest Student Ombud Office web site address that were distributed to new students with other orientation information. The Ombuds Office does this with the intention of making the Office more visible to students.

6. PERSONNEL

The Office underwent a number of personnel changes in 2009. The Student Ombud, Dr Layna Groen's contract was due to expire in June 2009 but was extended by Council until January 2010. Layna joined the Office in February 2005 as an Assistant Student Ombud and in June 2006 she was appointed Student Ombud.

Layna brought to the Office a great deal of experience in dealing with students and University Administration to resolve a large number of matters. Some of her contributions as Student Ombud were the implementation of a student satisfaction survey and redesign of the Student Ombuds web site. In 2009 she co-chaired the UTS working party to review the policy and procedures for the assessment of coursework subjects. We thank her for all of contributions to the Office and the University.

Expressions of interest for the position of Student Ombud were called for in March from current or previously appointed Assistant Student Ombuds or past Student Ombuds. UTS academic staffs with experience in student complaint investigation at a leadership level from other tertiary institutions were also asked to apply. In June Council approved the appointment of the successful candidate Maxine Evers. Maxine, a Lecturer in the Faculty of Law had been an Assistant Student Ombud since April 2008. She began her term as Student Ombud in January 2010.

Angela Dwyer completed her 3 year contract as Assistant Ombud in July, returning to the Faculty of Law to continue in her role as Senior Lecturer and Director (Students).

Bronwen Dalton completed her 3 year contract as Assistant Ombud in January 2010, returning to the School of Management in the Faculty of Business, to continue in her role as Senior Lecturer. Both Angela and Bronwen have been valued members of the Office. Their input into the Office has been substantial and they will both be missed.

In May expressions of interest were called for 3 Assistant Student Ombuds positions from continuously appointed academic staff at UTS interested in UTS policy and procedure. The position of Assistant Student Ombud is for a two-year term with a possible 12 month extension.

Council approved the appointment of Associate Professor Sally Varnham from the Faculty of Law, Dr Patricia Farrar, Senior Lecturer from the Faculty of Nursing, Midwifery and Health and Susie Eisenhuth, Lecturer from the Faculty of Arts and Social Sciences. Sally and Patricia begin their term in July 2009 while Susie began her term in January 2010.

The Office is presently staffed by the following:

Maxine Evers, Student Ombud

Sally Varnham, Assistant Student Ombud

Patricia Farrar, Assistant Student Ombud

Susie Eisenhuth, Assistant Student Ombud

Jenny Murphy, Administration Manager

7. REVIEW OF THE UTS POLICY & PROCEDURES FOR THE ASSESSMENT OF COURSEWORK SUBJECTS

The review of the policy and procedures for the assessment of coursework subjects in Spring semester 2009, presented the Student Ombuds Office with the opportunity to have input into the formation of the revised policy and procedures. This input focussed on three areas of subject assessment – querying marks/grades for assessment tasks, remarking and resubmission, and, review of final assessment results. All three areas had been a source of requests for assistance over a number of years. The staff of the Student Ombuds Office wrote the draft versions of the policy and procedures for these three areas. The first area (querying marks/grades) required significant revision as existing university procedures were insufficiently detailed. The second area was more comprehensively addressed in the existing procedures, and only required clarification in a small number of aspects, including procedures for review of remarks and resubmissions. The third area, relating to a Rule change implemented at the beginning of 2009, required additional detail to be provided in the procedures to clarify its relationship to other Rules and procedures.

The revised draft policy and procedures reflected these changes. It is anticipated that the revised policy and procedures, approved for implementation in Autumn 2010, including those relating to querying marks/grades and results, will assist students with addressing their queries, and assist staff in their handling of student queries concerning subject assessment. The review was Co-Chaired by the Student Ombud, Dr Layna Groen, as part of her duties for the Academic Administration Committee.

8. CASE STUDIES OF COMPLAINTS

Case Study 1

An undergraduate student with special needs lodged a Request for Assistance with the Office after failing a subject a number of times. The student felt that he had not been given the assistance that he should have been given due to his health problems and that he was not offered an alternative examination. The Office conducted the investigation by meeting with the Disability Services Officer, Student Centre, and the Responsible Academic Officer. The Office found that UTS rules and procedures had been followed as the student had not made a formal application for Special Consideration during the semester. The students Special Condition request had been approved by the Faculty and he had been allowed extra time during the exam. Unfortunately for the student, industry accreditation prevented the Faculty from offering alternative examinations in this subject.

Case Study 2

An international student accepted an offer to undertake a Masters degree but was refused enrolment after arriving at UTS three days after the last day for enrolment. The student had supporting documentation that she had become ill and hospitalised in her home country and had informed UTS. After discussing the matter with the student, International and the Faculty it was agreed that the student would be allowed to enrol late after signing a statutory declaration to the effect that

- She had missed 3 weeks of teaching and that no substitute classes or tutorials would be offered.
- As a result of her late enrolment, she will be disadvantaged in the selection of classes and subjects and that her first preferences of subjects and classes may not be available in Semester 1.
- She has missed International Orientation program.
- It is her responsibility to ensure that she undertakes the necessary study to cover missed classes and tutorials.
- She will not be eligible for any 'Special Consideration to Disruption of Assessment under the UTS Student and Related Rules' based on her late arrival and enrolment during the semester.

Case Study 3

A postgraduate student made a Request for Assistance claiming that procedural irregularities led to him being awarded a final mark of Z. The student claimed that mark was incorrect, the result of poor and/or incorrect record keeping; unfair marking and misplacement of submitted work by the subject coordinator. The matter had been reviewed by the Faculty's Student Assessment Review Committee who took into account the possibility that procedural irregularities may have occurred and offered the student another chance to demonstrate his ability through the provision of a supplementary exam. The student rejected the offer. The Office investigated the matter by contacting the Subject Coordinator, Responsible Academic Officer and the Students Association Case Worker.

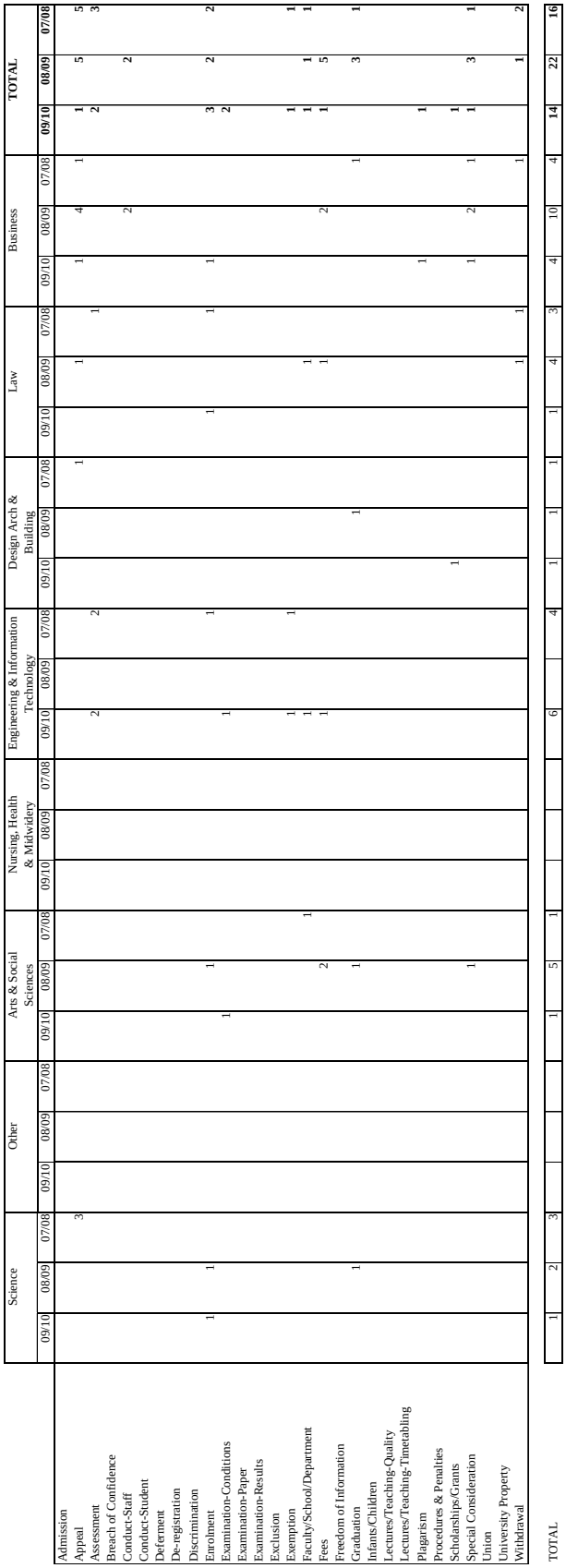
The Ombuds Office was unable to verify the student's claims that assignments had or had not been received by the Subject Coordinator. There was no record of Information, which was said to be available on UTSOnline for part of the semester, to support the student's claim. The Ombuds Office found no evidence that in giving the student a Z grade the Subject Coordinator breached any University policies and procedures. Therefore the Office found that the offer by the Faculty for the student to sit a supplementary exam was reasonable and appropriate.

9. QUALITY

The UTS Student Ombuds Office provides to students an independent avenue of dispute resolution that gives an assurance of:

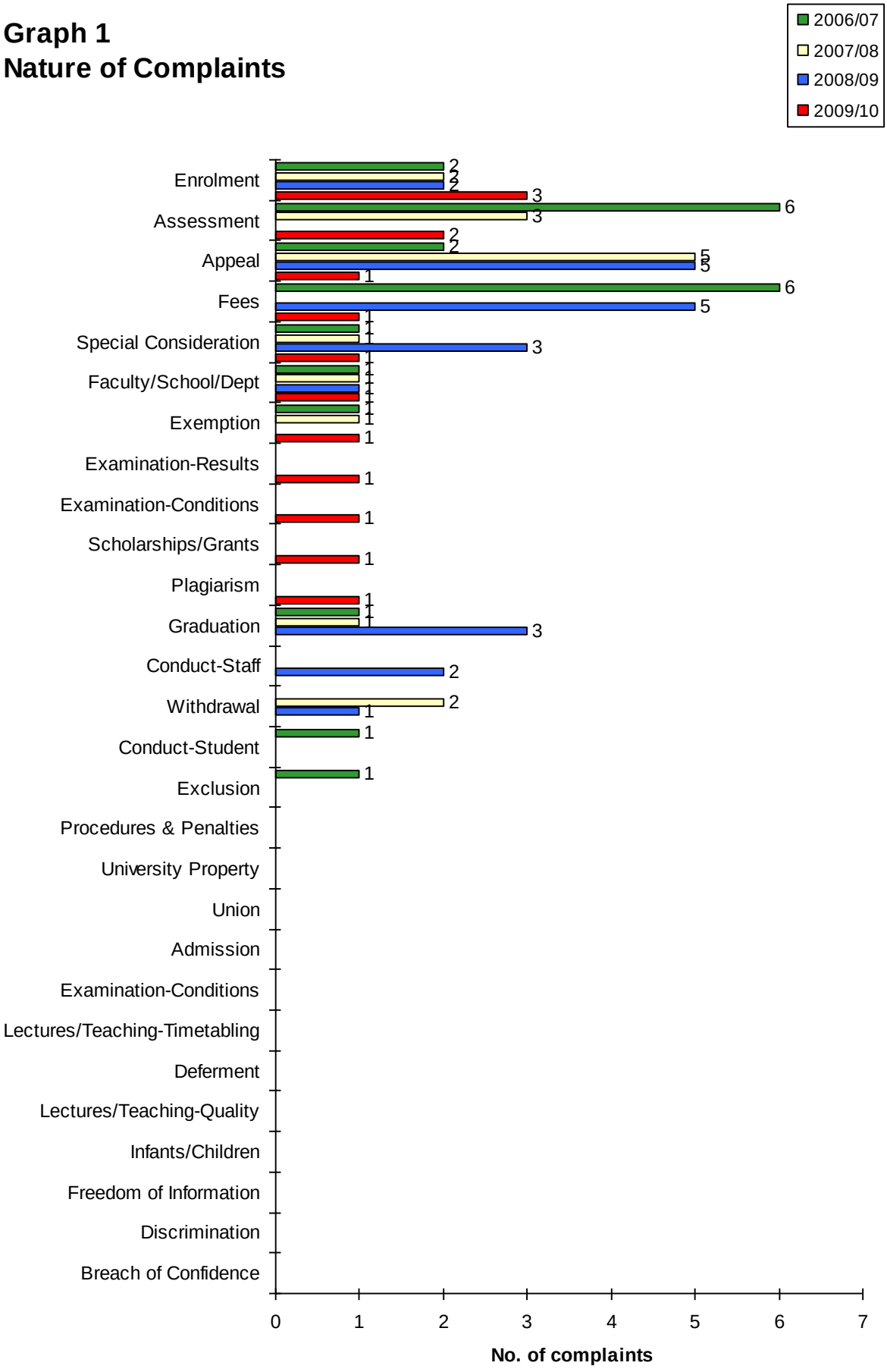
- Natural justice (fairness)
- Thoroughness in investigating a complaint
- Awareness of a student's personal situation
- Access to all staff and all documentation
- Expertise as to University processes and structure

TABLE 1 - SOURCE & NATURE OF COMPLAINTS

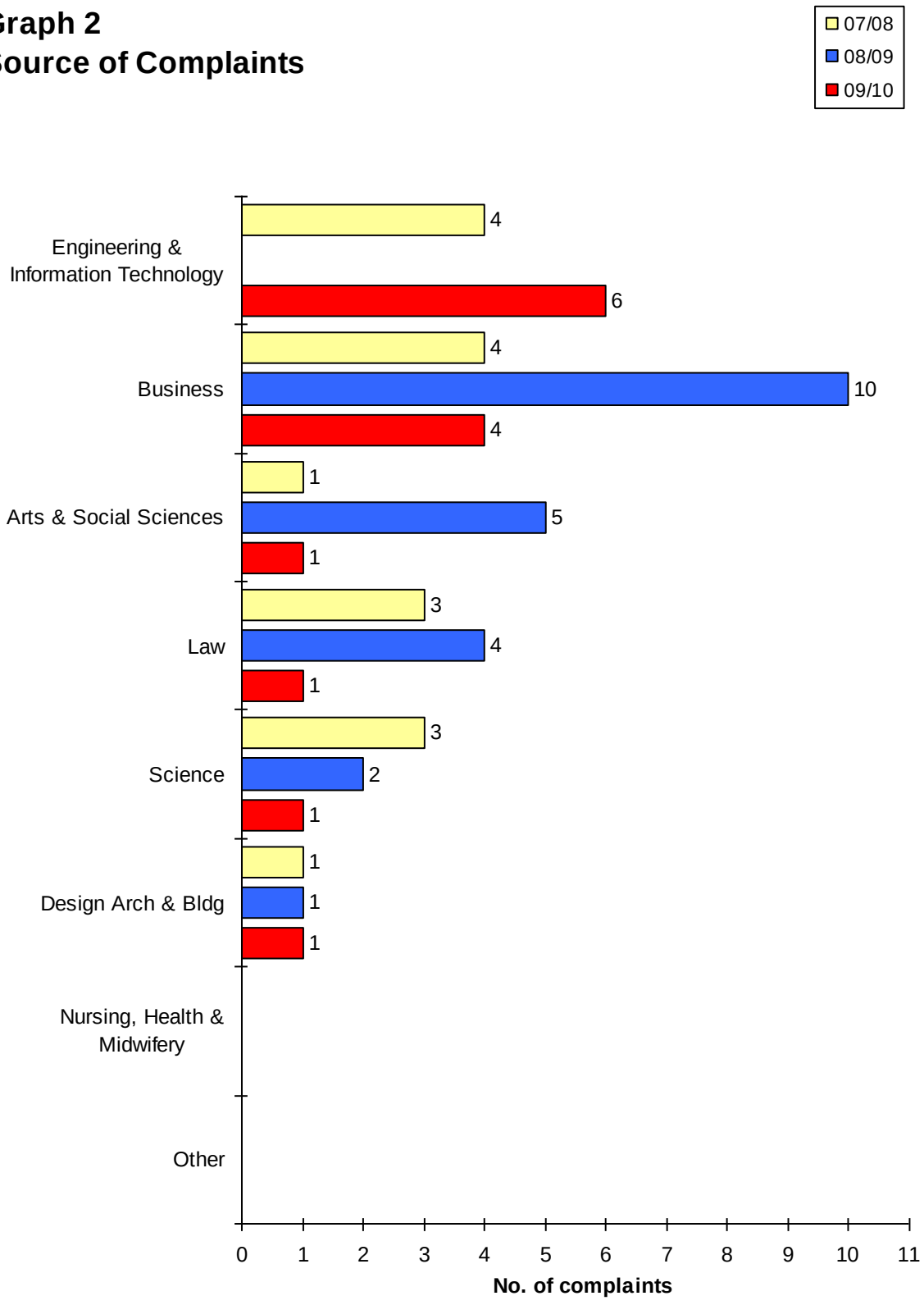


	Science			Other			Arts & Social Sciences			Nursing, Health & Midwifery			Engineering & Information Technology			Design Arch & Building			Law			Business			TOTAL		
	09/10	08/09	07/08	09/10	08/09	07/08	09/10	08/09	07/08	09/10	08/09	07/08	09/10	08/09	07/08	09/10	08/09	07/08	09/10	08/09	07/08	09/10	08/09	07/08	**09/10**	**08/09**	**07/08**
Admission																											
Appeal			3										2					1		1		1	4	1	**1**	5	5
Assessment															2						1				**2**		3
Breach of Confidence																							2			2	
Conduct-Staff																											
Conduct-Student																											
Deferment																											
De-registration																											
Discrimination																											
Enrolment	1	1					1						1						1			1			**3**	2	2
Examination-Conditions							1						1												**2**		
Examination-Paper																											
Examination-Results																											
Exclusion													1												**1**		
Exemption									1				1						1						**1**	**1**	**1**
Faculty/School/Department								2					1						1				2		**1**	5	
Fees													1						1								
Freedom of Information								1								1					1			1		3	1
Graduation		1																									
Infants/Children																											
Lectures/Teaching-Quality																											
Lectures/Teaching-Timetabling																						1			**1**		
Plagarism																											
Procedures & Penalties																1									**1**		
Scholarships/Grants								1														1	2	1	**1**	3	1
Special Consideration																											
Union																											
University Property																					1						2
Withdrawal																											
TOTAL	1	2	3				1	5	1				6		4	1	1	1	1	4	3	4	10	4	**14**	**22**	**16**

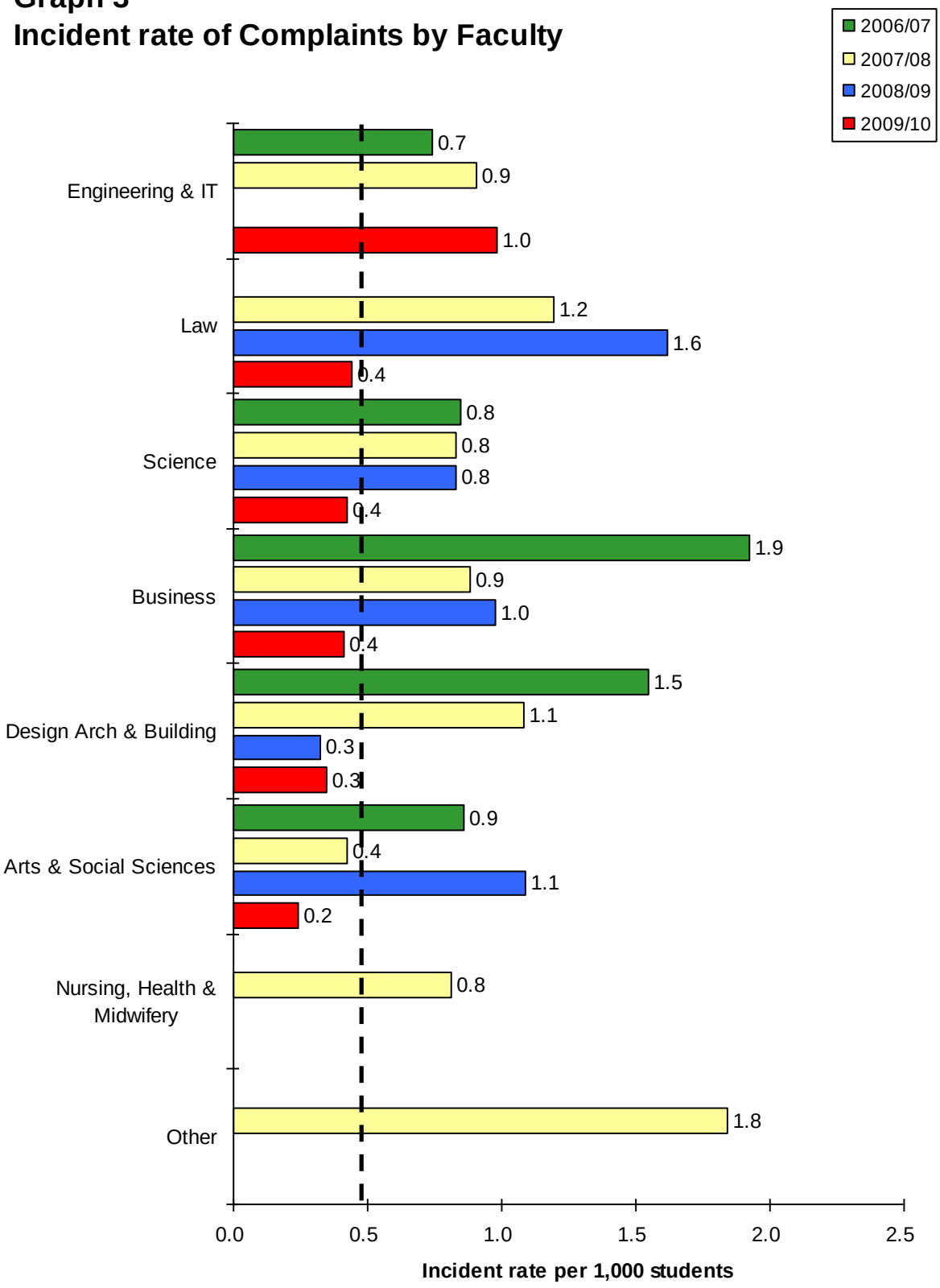
Graph 1
Nature of Complaints



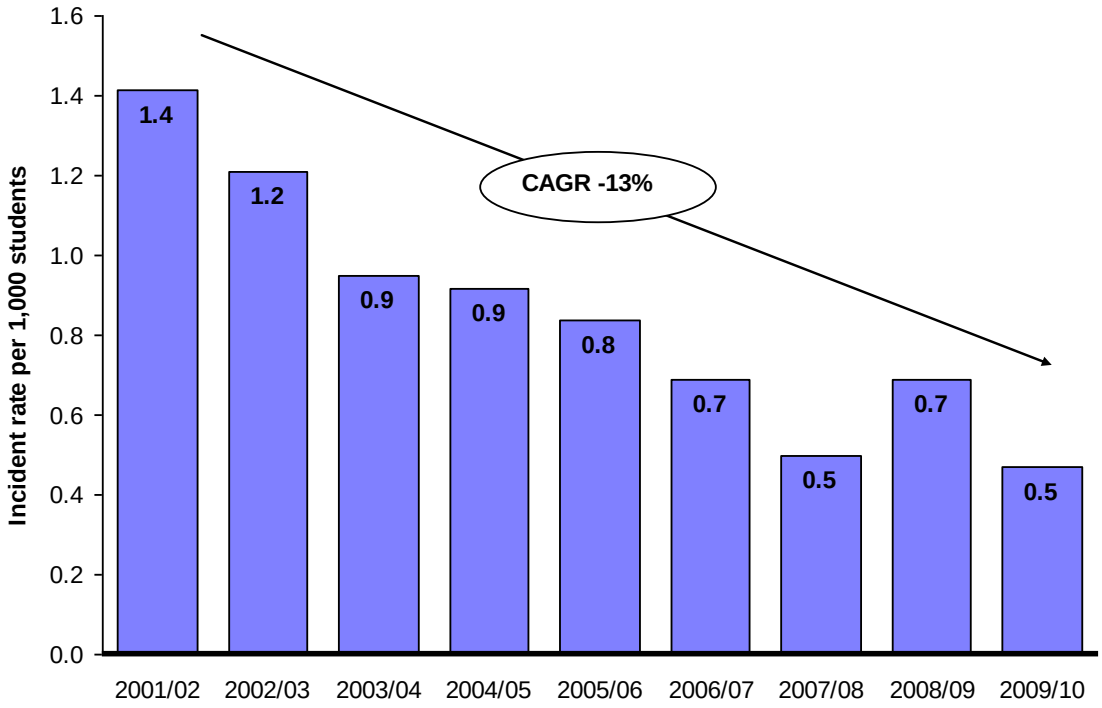
Graph 2
Source of Complaints



Graph 3
Incident rate of Complaints by Faculty



Graph 4
Long Term Average Incident Rate



ATTACHMENT 1

TERMS OF REFERENCE

1. Appointment

1.1 The Council of the University shall appoint a person to be Student Ombud and may appoint one or more persons as Assistant Student Ombuds with the same authority and responsibilities as the Student Ombud, save that of the management of the Student Ombuds Office.

1.2 The Student Ombud and Assistant Student Ombud shall be responsible to the member of senior University management nominated by the Vice-Chancellor.

2. Authority to Enquire

2.1 The Student Ombud has the authority to conduct enquiries relating to complaints by registered students against decisions or conduct of staff, Committees, Boards or any unit or group either within the University or acting under the authority or auspices of the University.

2.2 On receipt of a written complaint signed by a registered student or a person who was a registered student at the time of the conduct complained of, the Student Ombud shall have authority to enquire into that complaint.

2.3 The Student Ombud may, for any reason including possible conflict of interests, refer a complaint to an Assistant Student Ombud.

2.4 On receipt of a complaint, the Student Ombud shall decide, by enquiry if necessary, whether or not the complaint falls within the role and functions of the Student Ombud. The complaint shall be dismissed if the Student Ombud is of the opinion that:

2.4.1 the complaint is frivolous, trivial, or not in good faith;

2.4.2 the complainant has an insufficient interest in the matter;

2.4.3 the conduct complained of occurred at too remote a time to justify investigation;

2.4.4 in relation to the conduct complained of there is available to the complainant an alternative and satisfactory means of redress;

2.4.5 in disputes involving the assessment of a student's academic performance, the Student Ombud shall normally investigate the complaint only if the complainant has attempted other avenues available under University regulations and procedures. The role of the Student Ombud shall normally be confined to being

satisfied that the procedures of assessment for the course(s) in question have been followed and are reasonable in all the circumstances;

2.4.6 the conduct complained of is not of a character that concerns the University within its functions, responsibilities and powers as defined in the University Act, By-law, Rules, and policies.

Where the complaint has been dismissed by the Student Ombud, the complainant shall be informed of the reasons for the decision.

2.5 If during an investigation being carried out by the Student Ombud it becomes known that the complaint is the subject matter of a hearing or appeal under the University Act or By-law, the Student Ombud shall proceed no further with investigating the complaint until the hearing or appeal has been concluded.

2.6 The Student Ombud shall be given access to all University records and documents relating to the complaint.

3. Code of Conduct

3.1 The Student Ombud shall decide the form and procedures to be adopted in investigating a complaint. All persons involved shall be given reasonable opportunity to explain their views and encouraged to reach agreement.

3.2 If the complaint is not settled by informal consultation and discussion the Student Ombud may proceed with the enquiry by methods such as:

3.2.1 providing a written copy of the complainant's statement to the person(s) against whom the complaint has been made; or

3.2.2 at the request of either the complainant or the person(s) complained against, or in any case where the Student Ombud deems it desirable, convening a conference to discuss the complaint.

3.3 Where the Student Ombud believes that during an enquiry a situation arises which requires attention to avoid further problems, the Student Ombud may make recommendations to any appropriate person.

3.4 Where the Student Ombud believes that during an investigation there arises a matter of principle affecting other sectors of the University, the Student Ombud may submit to the Deputy Vice-Chancellor a written interim report. In such a case, the Student Ombud shall inform the relevant persons that such a report has been made and shall indicate to them what, if anything, has been recommended.

4. Report of Investigation

4.1 At the conclusion of an enquiry, if in the opinion of the Student Ombud:

4.1.1 the complaint has been settled, no further action will be taken other than under 5 below; or

4.1.2 the complaint has not been settled, a written report may be made to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases) and to the persons involved; the Student Ombud's views on the matter and recommendations would normally be included. In such a case, persons involved shall be informed that they may make a submission in writing to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases); or

4.1.3 the complaint warrants no further action, or no further action can be taken, the Student Ombud may decline to proceed further.

5. The Student Ombud may bring to the attention of the Deputy Vice-Chancellor any matter:

(i) arising from an enquiry; or

(ii) any matter relating to processes, procedures, rules or policies of the University.

6. Annual Report

In February of each year the Student Ombud shall present to the Deputy Vice-Chancellor an annual report for the previous year. The report shall be statistical in character and shall contain no reference to named individuals.